

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

Michael Thomas Paul,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
City of San Antonio, acting by and through	§	5:15-CV-00173-DAE
City Public Service Board	§	
("CPS Energy"),	§	
	§	ANSWER AND LEAVE TO
Defendant.	§	APPEAL
	§	

**PLAINTIFF'S ANSWER TO DEFENDANT'S ADVISORY
AND LEAVE TO APPEAL**

Plaintiff responds stating the defendant neither conferred nor requested by other means regarding plaintiff's intent as stated in their filing. Plaintiff was under the impression that the defense counsel was required to attempt communication regarding non-dispositive issues before filing with the court. A simple e-mail or telephone call to ask the plaintiff about his filing a request for extension of time to file the ordered amended 3rd complaint and weather his filed, amended 3rd complaint was going to be further amended should he be granted the requested time extension.

As stated in the request for time and also the filed 3rd complaint (Docket no.'s 34 & 35) the complaint was available for filing but lacked the EXHIBITS due to cost of production for which plaintiff having limited funds being a recipient of Social Security Disability benefits lives on a tight fixed income and has no discretionary funds that could be used to produce the necessary documents until after his next monthly disbursement which occurs on the 3rd of each month. This fact was made known to all parties in plaintiff's application to proceed inform pauperis,

(Docket no. 1) and which was granted in ORDER SIGNED April 23, 2015 (Docket no. 4). The requested time was only 7 days which was a more than a reasonable amount of time to produce and file the exhibits as supplemental to the complaint. Plaintiff thought he made that clear in the request (Docket no. 34) and 3rd complaint (Docket no. 35). It may be that the request for leave to amend was not necessary since the Federal Magistrate entered an order for the plaintiff to file his 3rd complaint since plaintiff made the motion verbally in open court requesting leave of the court to do so.

But these points may be moot as plaintiff is stating for the record that he believes it to be a violation of the Americans with Disabilities Act (A.D.A) for the court to require him to prosecute this case Pro Se since plaintiff is totally and permanently disabled as was determined in 2002 by the U.S. Social Security Administration.

Plaintiff does direct the court to take JUDICIAL NOTICE of the court requiring him to perform as the same as a paid or pro bono attorney in employ requiring him to act Pro Se is a clear and evident violation of his rights to be protected from such actions under Americans with disabilities act (A.D.A.) because the only recognized activities the plaintiff is capable of performing are daily life tasks such as bathing, preparing meals, and getting dressed or activities such as a hobby.

Litigating a Federal case in open court, document preparation, evidence investigation, and discovery which are activities that a paid lawyer or a pro bono lawyer would be compensated for are neither a hobby nor a daily life task.

Wherefore by the court ordering plaintiff to act Pro Se the court has violated his guaranteed protections from such discriminatory actions and is hereby served NOTICE and further requests

leave to appeal this issue to the circuit court of appeals for violation of his (A.D.A) rights which are protected from such actions and further motions for a STAY in proceedings until this issue is fully Adjudicated by the Circuit Court.

Respectfully submitted,

/s/Michael Thomas Paul
Pro Se
9123 Easy Street
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CERTIFICATE OF SERVICE

I hereby certify that on the 3RD day of September 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system through which a copy was served upon:

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/s/ Michael Thomas Paul
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